



PATENT

1646/DRW

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Tung M. Fong et al.

Serial No.: 10/506,395

Case No.: 21041P

Filed: September 1, 2004

For: METHOD OF TREATMENT OR PREVENTION OF OBESITY

Art Unit:  
1646

Examiner:  
Michael D. Pak

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

COMMUNICATION

Sir:

This communication is in response to the Restriction Requirement dated April 16, 2007. The Examiner required restriction between the following patentably distinct groups.

I: Claims 1-14 and 25-28 addressing a method of treating obesity with a compound.

and

II: Claims 15-24 addressing a method of treating obesity with a combination of compounds.

Applicants elect to continue prosecution of Group I, claims 1-14 and 25-28. This election is made with traverse.

Applicants urge that unity of invention exists between the groups even though patentable distinction between the groups has already been found to exist. The groups define inventions that embody the same inventive concept, namely a method of treating obesity. Group I addresses treatment using a compound that antagonizes CB1 receptors and inhibits the 11B-HSD-1 enzyme. Group II recites a method using two compounds in combination.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Name (Print/Type)	Karen Ann Drost		
Signature		Date	4-26-2007

The activities of the compound (or compounds) are addressed in the dependent claims.

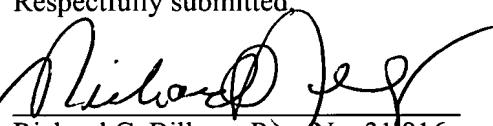
Because the same pharmacologic effect would be observed in both inventions, the inventions can be grouped together and can be the subject of a single search of the art without creating an undue burden on the part of the Examiner.

As such, Applicants respectfully request that the restriction requirement be withdrawn and both groups be examined in a single application.

If the Examiner has any questions, he is respectfully requested to telephone the undersigned.

Respectfully submitted,

By

  
Richard C. Billups, Reg. No. 31,916  
Attorney for Applicants

MERCK & CO., Inc.  
P.O. Box 2000 – RY 60-30  
Rahway, New Jersey 07065  
Tel.: (732) 594-4683

Date: April 26, 2007